

Board Meetings: Notice Requirements - BEA

Public Notice of Annual Meeting Schedule

At least once each year, the Board shall give public notice of its annual meeting schedule. The notice shall specify date, time and place of such meetings.

Utah Code Ann. § 52-4-202(2) ~~(2009)~~(2014)

Notice of Specific Meetings

In addition, the Board shall provide public notice of each meeting at least 24 hours in advance of each meeting; such notice shall include the agenda, date, time and place of the meeting.

Utah Code Ann. § 52-4-202(1) ~~(2009)~~(2014)

Action Limited to Meeting Agenda

Where a meeting agenda must be included in the required public notice of a Board meeting (as stated in the paragraph above), that agenda shall be sufficiently specific to notify the public of the topics to be considered at the Board meeting. To be sufficiently specific, the agenda shall at least list each anticipated topic under an agenda item in a manner that identifies the subject of discussion and if known, the nature of the Board action being considered on the subject. The Board may not consider a topic in an open meeting that was not listed under an agenda item and included with the advance public notice of the meeting, except that if an unlisted topic is raised by the public during an open meeting, the Board may at the discretion of the presiding Board member discuss the topic but may not take any final action on that topic during the meeting. This limitation may not apply to an emergency meeting where the requirements for holding and giving the best practicable notice of such a meeting have been met. (See “Emergency Meeting” below.)

Utah Code Ann. § 52-4-202(6) ~~(2009)~~(2014)

Giving Notice of Meeting

Public notice of each Board meeting and of the Board’s annual meeting schedule shall be given by:

1. Posting written notice at the local Board of Education office;
2. Posting notice on the Utah Public Notice Website; and,
3. Providing notice to at least one newspaper of general circulation within the geographic jurisdiction of the public body or to a local media correspondent. (Notice to such a newspaper or local media correspondent sent pursuant to a subscription made through the Utah Public Notice Website satisfies this requirement if the notice has been timely sent.)
4. The District shall also endeavor to post notice of Board meetings on the District’s web site at least 24 hours in advance of the meeting. *[The statute does not require districts to provide this type of notice, and will require districts to post notice on the State notice website. Therefore, in enacting its ———own policy, a ———district may decide whether or not to include this optional provision.]*

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5. Notice of each Board meeting shall also be given to the following officials (or their designee) for municipalities or counties that are partly or entirely within the boundaries of the District: the mayor, county commission chair, county executive, or county manager. This notice shall be provided by mail, email, or other effective means agreed to by the person to receive notice.

Utah Code ~~Ann.~~ § 52-4-202(3), (4) ~~(2009)~~(2014)

Utah Code ~~Ann.~~ § 63F-1-701(4)(d) ~~(2007)~~(2013/

Utah Code ~~Ann.~~ § 53A-3-409(3) (2009)

Emergency Meeting

In case of emergency or urgent public necessity which renders it impractical to give the notice identified in the paragraphs above, the best notice practicable shall be given of the time and place of the meeting and of the topics to be considered at the meeting. No such emergency meeting of the Board shall be held unless an attempt has been made to notify all of its members and a majority of the members vote in the affirmative to hold the meeting.

Utah Code Ann. § 52-4-202(5) ~~(2009)~~(2014)

Annual Budget Meeting Notice

In addition to complying with the aforementioned public notice requirements, in regards to the budget hearing, the Board shall do the following:

1. Publish the required newspaper advertisement and/or electronic newspaper advertisement (see Utah Code Ann. § 45-1-101 (2009) and the required Utah Public Notice Website advertisement at least ten days before the day on which the hearing is held
 - a. The public hearing notice will include information on how the public may access the proposed budget.
2. File a copy of the proposed budget with the Board's business administrator for public inspection; and
3. Post a copy of the proposed budget on the District's Internet website.
4. In addition, if the proposed budget includes a tax rate in excess of the certified tax rate, or if the Board meeting is required to consider whether to adopt a tax rate in excess of the certified tax rate, the Board shall provide the notices and schedule the meeting as required by Utah Code ~~Ann.~~ § 59-2-919.

Utah Code ~~Ann.~~ § 53A-19-102(2) (2009)

Utah Code ~~Ann.~~ § 53A-16-106(3) (2008)

Utah Code Ann. § 59-2-919 (2010)

Bond or Tax Increase Election Hearing Notice

In addition to complying with the aforementioned public notice requirements, if the Board is meeting under the Transparency of Ballot Propositions Act to hear arguments for or against a ballot proposition to authorize issuance of bonds or to increase taxes, the

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Board must post notice of the time, date and place of the meeting (along with the arguments for and against the proposition):

1. On the Statewide Electronic Voter Information Website for 30 consecutive days before the election on the proposition;
2. On the District's website in a prominent place for 30 consecutive days before the election on the proposition;
3. If the District publishes a newsletter or other periodical, in the next scheduled edition before the election on the proposition.

Utah Code § 59-1604(5) (2014)

Utah Code § 59-1605 (2014)

The meeting must begin at or after 6:00 PM.

Utah Code § 59-1-1605(3)(b) (2014)

Bond Issuance Hearing Notice

In addition to complying with the aforementioned public notice requirements, if the Board is meeting to consider authorizing issuance of bonds under the Local Government Bonding Act, it shall publish notice of the intent to issue bonds in the newspaper and on the Utah Public Notice Website at least 14 days in advance of the public hearing on the bond issuance as required by Utah Code Ann. § 11-14-318. The notice shall give notice that the hearing will be held to receive input from the public respecting the issuance of the bonds and the potential economic impact that the proposed improvement, facility, or property that the bonds will fund will have on the private sector.

Utah Code Ann. § 11-14-318 (2009)

Budget Appropriation Increase Meeting Notice

In addition to complying with the aforementioned public notice requirements, if the Board is meeting to consider a request to increase a budget appropriation, it shall publish the required newspaper notice and notice under Utah Code § 45-1-101 of such meeting at least one week prior to the hearing.

Utah Code Ann. § 53A-19-104(6)(b) (2009)

School Closure or Boundary Change Hearing Notice

In addition to complying with the aforementioned public notice requirements, if the Board meeting is a public hearing regarding closing one or more schools or changing the attendance area boundaries for one or more schools, the notice of the meeting shall indicate the school or schools under consideration for closure or boundary change and, at least ten days prior to the meeting shall be:

1. Published in a newspaper of general circulation in the area and on the Utah Public Notice Website; and
2. Posted either in at least three public locations within the municipality or municipalities affected or on the District's official website.

Utah Code Ann. § 53A-3-402(21) (2013)

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Board Member Compensation Hearing Notice

Beginning July 1, 2007, in addition to meeting the aforementioned public notice requirements, if the Board is meeting to consider adopting a new Board member compensation schedule or schedules, or to consider amending an existing compensation schedule or schedules, the notice of the meeting with public hearing shall be given at least seven days prior to the meeting by:

1. Publishing the notice at least once in a newspaper published in the county where the District is situated and which is also generally circulated within the District, and publishing notice on the Utah Public Notice Website;
2. Posting the notice:
 - a. At each school in the District
 - b. In at least three other public places within the District; and
 - ~~3.~~ c. On the Internet in a manner that is easily accessible to citizens who use the Internet.

Utah Code Ann. § 53A-3-202(3) (2010)